

Exhibit 3

Notice of Docketing to BALCA

U.S. Department of Labor

Office of Administrative Law Judges
Suite 400
800 K Street, N.W.
Washington, D.C. 20001-8002

Official Business



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6003185397 SEP 07 2012
MAILED FROM ZIP CODE 20001

Received on 9/10/12

YA-WEN HSIAO
423 NAMAHA ST. #102
HONOLULU HI 96815

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



IMPORTANT NOTICE

THE ENCLOSED NOTICE AND ORDER REQUIRES THAT THE EMPLOYER, OR ITS REPRESENTATIVE, FILE WITH THE BOARD A STATEMENT OF INTENT TO PROCEED WITHIN 15 DAYS OF THE DATE OF THE NOTICE. (See address on the letterhead above).

IT IS ALSO REQUIRED THAT THE STATEMENT OF INTENT TO PROCEED BE SERVED ON THE ASSOCIATE SOLICITOR FOR EMPLOYMENT AND TRAINING LEGAL SERVICES (See address in the enclosed Notice and Order).

FAILURE TO FILE A STATEMENT OF INTENT TO PROCEED WILL RESULT IN DISMISSAL OF THE APPEAL.

U.S. Department of Labor

Board of Alien Labor Certification Appeals
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 07 September 2012

BALCA Case No.: 2012-PER-02131
ETA Case No.: A-10344-38244

In the Matter of:

UNIVERSITY OF HAWAII,
Employer

on behalf of

HSIAO, YA-WEN,
Alien.

NOTICE OF DOCKETING
AND
ORDER REQUIRING SUBMISSION OF
STATEMENT OF INTENT TO PROCEED

This matter arises pursuant to an application for permanent alien labor certification under Section 212(a)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. §1182(a)(5)(A), and the "PERM" regulations found at Title 20, Part 656 of the Code of Federal Regulations.

Notice of Docketing: The parties are hereby notified that the Board of Alien Labor Certification Appeals (BALCA) has docketed an appeal in the above-referenced matter.

Order Requiring Statement of Intent to Proceed: BALCA's experience with PERM appeals is that many of the appeals are moot by the time they are docketed or that the Employer was only seeking reconsideration by the Certifying Officer and not a formal appeal to BALCA. Accordingly, in order to prevent expenditure of resources on moot appeals, the Employer is **ORDERED** to file with this Board a **STATEMENT OF INTENT TO PROCEED** within **15 DAYS** of the date of this Notice and Order. The timely filing of a Statement of Intent to Proceed is very important.

Failure to file a Statement of Intent to Proceed will result in a finding that the Employer is not interested in review by the Board, and dismissal of the appeal. This statement may be filed either by the Employer, or by the Employer's agent or attorney listed on the ETA Form 9089, Section E, or by a newly retained agent or attorney, provided that the newly retained agent or attorney also submits a written entry of appearance. A USCIS Form G-28 may be used for this purpose. The Statement of Intent to Proceed shall also be served on the Counsel for Litigation.

Division of Employment and Training Legal Services at the address shown below at the same time that it is filed with the Board.

Employer or Alien's Change of Address: If the Employer or the Alien has changed his or her address, the Employer (or its agent or attorney) must provide the new address with the Statement of Intent to Proceed. Please note that all non-U.S. citizens (aliens) who are required to be registered are also required to keep the USCIS informed of their current address by filing a Form AR-11.

Order Requiring Statement of Position or Legal Brief: All parties shall have 45 days from the date of this Notice and Order to submit a statement of position or a legal brief. If not already stated in your request for review by the Board, the grounds for the appeal must be specified in a statement or a brief. Failure to specify the grounds for the appeal may result in a dismissal of the appeal. *North American Printing Ink Co.*, 1988-INA-42 (Mar. 31, 1988) (en banc).

Filing and Service: All further correspondence with the Board must refer to the BALCA case number shown on the caption above, and be mailed to:

U.S. Department of Labor
Board of Alien Labor Certification Appeals
800 K Street, NW
Suite 400-N
Washington, DC 20001-8002

All pleadings shall, in addition to being filed with the Board, be served on all parties and shall include a written statement setting forth the date and manner of service. A copy of each pleading submitted by the Employer and the Alien must be served on the Solicitor at:

Counsel for Litigation
U.S. Department of Labor, Office of the Solicitor
Division of Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Avenue, NW
Washington, DC 20210

SO ORDERED.

For the Board:



Digitally signed by WILLIAM COLWELL
DN: cn=WILLIAM COLWELL,
ou=ADMINISTRATIVE LAW JUDGE,
o=Office of Administrative Law Judge,
l=Washington, s=DC, c=US
Location: Washington DC

William S. Colwell
Associate Chief Administrative Law Judge

SERVICE SHEET

Case Name: **In_re_UNIVERSITY_OF_HAWAII_**

Case Number: **2012PER02131**

Document Title: **NOTICE OF DOCKETING AND ORDER REQUIRING SUBMISSION OF STATEMENT OF INTENT TO PROCEED**

I hereby certify that a copy of the above-referenced document was sent to the following this 7th day of September, 2012:



Digitally signed by TIANA BERRIOS
DN: CN=TIANA BERRIOS, OU=LEGAL
ASSISTANT, O=Office of Administrative
Law Judges, L=Washington, S=DC,
C=US
Location: Washington DC

**TIANA BERRIOS
LEGAL ASSISTANT**

ALC Certification Officer
U. S. Department of Labor/ETA
Harris Tower
233 Peachtree Street
Suite 410
ATLANTA GA 30303

{Hard Copy - Regular Mail}

Counsel for Litigation
Employment and Training Legal Services
Room N-2101, FPB
200 Constitution Ave., N. W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Administrator
Office of Foreign Labor Certification
U.S. Department of Labor/ETA
Room C-4312, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

YA-WEN HSIAO
423 NAMAHANA ST. #102
HONOLULU HI 96815

{Hard Copy - Regular Mail}

Signe Nakayama
UNIVERSITY OF HAWAII
FACULTY & SCHOLAR IMMIGRATION SERVICES
2565 MCCARTHY MALL, PSB 102-106
HONOLULU HI 96822

{Hard Copy - Regular Mail}